



The Case of the Praying Football Coach

The Facts of [Kennedy v. Bremerton School District](#):

From 2008-2015, Joseph Kennedy was a Bremerton High School (BHS) football coach in Bremerton, Washington. A devout and religious man, Coach Kennedy would kneel at the 50 yard line for about 15-30 seconds and silently pray after every game, win or lose. Over time, and without invitation or coercion, Coach Kennedy's players started to join him for his post-game prayer. This practice expanded into post-game pep talks, which included religious themes and prayer. Like his post-game prayer, Coach Kennedy "never coerced, required, or asked any student to pray or told any student that it was important that they participate in any religious activity" ([Brief for the Petitioner](#), p. 5).



Upon complaint, the Bremerton School District took notice of Coach Kennedy's post-game prayers and investigated whether he was in violation of the school board's "[Religious-Related Activities and Practices](#)" policy.

The Bremerton School District review determined that Coach Kennedy's actions violated the district's policy even though the players voluntarily participated in the post-game prayers and pep-talks, and Coach Kennedy did not "actively encourage or require participation." The school district allowed Kennedy to engage in religious activity as long as it did not interfere with his job, and was out of student view, to avoid the perception of endorsing a faith.

Coach Kennedy refused to abide by the school district's ruling and was fired. He sued the school district for violating his [First Amendment](#) rights to free speech and [free exercise](#) of his religious faith.



A U.S. district court judge disagreed with Kennedy, finding that Bremerton School District acted reasonably in firing him because he prayed as a school employee, while on the job as a coach, and in charge of players on the field. This judge, Coach Kennedy's actions could not be seen as anything but an "orchestrated session of faith" ([Brief for the Petitioner](#), p. 11). The U.S. Court of Appeals for the Ninth Circuit agreed with the lower court and Kennedy appealed to the U.S. Supreme Court.

On January 22, 2022, the U.S. Supreme Court granted Joseph Kennedy certiorari. The Court is being asked to address two questions:

- "Whether a public-school employee who says a brief, quiet prayer by himself while at school and visible to students is engaged in government speech that lacks any First Amendment protection.
- Whether, assuming that such religious expression is private and protected by the Free Speech and Free Exercise Clauses, the [Establishment Clause](#) nevertheless compels public schools to prohibit it" ([Brief for the Petitioner](#), pgs. i-ii).

Supreme Court Precedent Used in this Case:

- [Board of Education of Westside Community Schools v. Mergens By and Through Mergens](#) (1990): The Court ruled that extra curricular clubs, whose focus may be religious in nature, may not be prohibited under the [Equal Access Act](#). Since the club's content was not part of the formal curriculum, its creation is not a violation of the [Establishment Clause](#) of the [First Amendment](#).
- [Lamb's Chapel v. Center Moriches Union Free School District](#) (1993): The Court ruled unanimously that Lamb's Chapel's [freedom of speech](#) was violated when the school district denied access to its facilities because the Chapel wanted to present family values films from a religious viewpoint and not a secular viewpoint. The Court ruled that the district could not deny Lamb's Chapel access to its facilities because of the religious viewpoint expressed in the films it planned to show because denying facility use must be reasonable and viewpoint neutral.
- [Santa Fe Independent School District v. Doe](#) (2000): The court ruled that student initiated prayer over a school's public address system during a football game violated the [Establishment Clause](#) of the [First Amendment](#).
- [Good News Club v. Milford Central School](#) (2001): The Court ruled that religious public groups cannot be denied access to a school as a [meeting space](#) if other public clubs are permitted because of the content of the religious club's speech. To do so is a violation of the [Free Speech Clause of the First Amendment](#).
- [Garcetti v. Ceballos](#) (2006): The Court ruled that a public official's speech is only protected by the [First Amendment](#) when expressed as a private citizen, but not if the speech is expressed as part of their official duties.

To Think and To Do: Prior to the Court granting [certiorari](#), Coach Kennedy petitioned the court to hear this case once before, but was denied. Then, Justice Alito wrote, "the Ninth Circuit's understanding of the free speech rights of public school teachers is troubling and may justify review in the future." Given the precedents used in this case and your understanding of it, how do you think the Supreme Court will rule? Explain.

to [Learn MORE](#) about this case, view Joseph Kennedy's [Petition for Certiorari](#) and the Bremerton School District's [Respondent Brief](#).